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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/621,424	07/16/2003	Richard W. McCracken	D-1223R	1747
28995	7590	03/08/2004	EXAMINER	
RALPH E. JOCKE 231 SOUTH BROADWAY MEDINA, OH 44256			BARRETT, SUZANNE LALE DINO	
			ART UNIT	PAPER NUMBER
			3676	
DATE MAILED: 03/08/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/621,424

Applicant(s)

MCCRACKEN ET AL. 

Examiner

Suzanne Dino Barrett

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-8,10-18,22,25 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Dunlap et al 6,089,168. Dunlap et al teach all of the structure of the claimed invention including the sleeve bushing for the handle 124 shown in Figure 14, the retainer nut and pin/bolt for the links 134,138,140 connected to the lock bolt 104 and the drive cam 122 and idler cam 120. The drive cam further has a cutout 146 for the lock bolt.
3. Claim 31 is rejected under 35 U.S.C. 102(b) as being clearly anticipated by Roth 1,615,851. Roth teaches a handle (B) and sleeve/bushing (C) both having non-tapered and tapered portions (d).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dunlap et al 6,089,168. Dunlap et al teach bolt and nuts as shown in Figure 14 to connect the linkages. OFFICIAL NOTICE is taken that a dowel pin is a functional equivalent and it would have been obvious to one of ordinary skill in the art to substitute a dowel pin for the screws of Dunlap et al.

6. Claims 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dunlap et al '168 in view of Orbay et al 2003/0083661. Orbay et al teach an adjustable alignment mechanism for aligning apparatus elements using a threaded bolt length. It would have been obvious to provide the drive cam of Dunlap et al with a well known alignment means as taught by Orbay et al to facilitate usage of the apparatus.

7. Claims 23,24,27-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dunlap et al '168 in view of either Hauber et al 6,637,784 or Eaton et al 5,120,094. Hauber and Eaton both teach the well known use of keyed slots having a narrow portion and a wide portion as a connection means between relatively movable parts. It would have been obvious to modify the studs 142 and slots 106 of the lock bolt of Dunlap by providing headed studs and keyed slots as taught by either Hauber or Eaton to facilitate assembly and connection of the parts.

8. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dunlap et al '168 in view of Withington 4,446,798. Withington teaches wavy linkages 40. It would have been obvious to one of ordinary skill in the art to modify the links of Dunlap et al by substituting wavy links as taught by Withington as an obvious matter of design choice.

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9. Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dunlap et al '168 in view of Roth 1,615,851. Roth teaches the handle bushing discussed above. It would have been obvious to modify the handle 124 bushing (Fig. 14) of Dunlap by providing a tapered bushing and handle as taught by Roth as an enhanced assembly.

10. Claims 32-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roth '851 in view of Heyl et al 3,426,707. Heyl et al teach a handle and bushing 87 which is mounted with a ledge portion to extend to the opposite side of the door from the handle. Roth teaches the tapered bushing and handle shaft. It would have been obvious to modify the bushing of Roth to extend to the opposite side of the door in assembly as taught by Heyl et al as an obvious matter of design choice in enhancing the assembly of parts.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Note the safe door locks of the cited prior art.

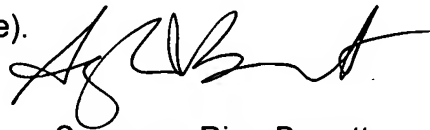
12.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Suzanne Dino Barrett whose telephone number is 703-308-0825. The examiner can normally be reached on M-Th 8:30-7:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Knight can be reached on 703-308-3179. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Suzanne Dino Barrett
Primary Examiner
Art Unit 3676

sdb